



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

MEMO ENDORSED

ANDREW M. CUOMO
ATTORNEY GENERAL

LESLIE G. LEACH
EXECUTIVE DEPUTY ATTORNEY GENERAL
DIVISION OF STATE COUNSEL

JUNE DUFFY
ASSISTANT ATTORNEY GENERAL IN CHARGE
LITIGATION BUREAU

May 8, 2008

VIA HAND DELIVERY

Honorable Kenneth M. Karas
United States District Judge
Southern District of New York
300 Quarropas St., Room 533
White Plains, NY 10601-4150

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: _____

Re: Ferraro v. NY State Trooper Juan F. Thomas, et al.
08-CV-2530 (KMK)

Your Honor:

I am an Assistant Attorney General in the Office of Andrew M. Cuomo, Attorney General of the State of New York, counsel for defendants Sgt. Joseph J. Crispino II and Trooper Juan F. Thomas, who have both been served, and their time to respond to the complaint is May 13, 2008. We respectfully request a thirty-day extension to respond to the complaint on behalf of defendants Crispino and Thomas until June 12, 2008. This is our first request for an extension, and counsel for the plaintiff has consented to this extension for defendants Crispino and Thomas.

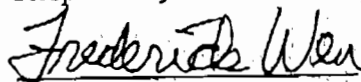
Also, I write to advise the Court that, although the summons for Trooper Rodney M. Nunez, a reservist in the United States Army, was issued on March 13, 2008, he has not been served, and was called to active duty effective March 11, 2008, for Operation Iraqi Freedom.¹ I am enclosing his mobilization order indicating that Trooper Nunez was ordered to report to Fort Dix on March 14, 2008, and that the period of his active duty is 400 days. We have no authority to accept service on Trooper Nunez's behalf, and upon information and belief, believe that Trooper Nunez's regiment has been or is about to be deployed to Iraq.

Accordingly, in order to allow for discussions with my clients, defendants Crispino and Thomas respectfully request a thirty-day extension to respond to the complaint until June 12, 2008.

¹ See 50 U.S.C. Appx. § 522(a)(2).

2

Respectfully submitted,

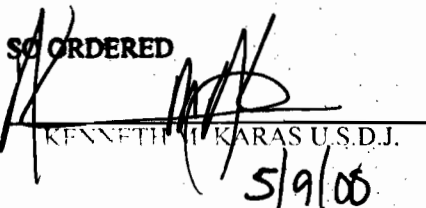


Frederick H. Wen
Assistant Attorney General
120 Broadway
New York, NY 10271
(212) 416-6536
(212) 416-6075/6076/6009 (fax)

cc: Michael R. Scolnick, Esq. (via fax to (845) 365-1506)

Granted.

SO ORDERED



KENNETH T. KARAS U.S.D.J.
5/9/08

5/2008 TUE 13:12 FAX --- COMMUNICATIONS

0003/006

DEPARTMENT OF THE ARMY
77TH U.S. ARMY REGIONAL READINESS COMMAND
ERNIE FYLE USAR CENTER
FORT TOTTEN, NEW YORK 11359-1016

ORDERS 07-346-00112

12 December 2007

NUNEZ RODNEY MICHAEL

SGT
0812 MP CO (CBT SUPT) (WEE2AA)
ORANGEBURG, NY 10962-2209

You are ordered to Active Duty as a member of your Reserve Component unit for the period indicated unless sooner released or unless extended. Proceed from your current location in sufficient time to report by the date specified. You enter active duty upon reporting to unit home station.

Report to: 0812 MP CO (CBT SUPT) (WEE2AA), 123 ROUTE 303, ORANGEBURG, NY 10962-2209 Report On: 11 March 2008

Report to: Mobilized Unit In-Processing Center (MUIC), Bldg 5644, Doughboy Loop, Fort Dix, NJ 08640-5001 Report On: 14 March 2008

Period of active duty: 400 Days

Purpose: Mobilization for IRAQI FREEDOM (IRAQ) (2003 - TBD)

Mobilization category code: "V"

Additional instructions: (01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 20) See page 2

FOR ARMY USE

AUTHORITY: PERMANENT ORDER: 1A-07-335-043, HQ 1ST U.S. ARMY, dtd 01 Dec 2007

Accounting classification:

2182010.0000 01-1100 PLX1A00 11**/12** VIRQ F9203 5570 S12120

2182010.0000 01-1100 P2K2A00 11**/12** VIRQ F9203 5570 S12120

2182020.0000 01-1100 P135198 21**/22**/25** VIRQ F9203 5570 S12120(OIF

Sex: M

MOC: PMR8

PMOS/AOC/ASI/LIC: 31B2

FOR: NEW ROCHELLE, NY

FEED: 26 January 2002

DOR: 16 November 2006

Security clearance: SECRET

Comp: USAR

Format: 165

* OFFICIAL *
* 77th RRC *

PAUL M. SILVERMAN

GS13

HUMAN RESOURCES OFFICER

DISTRIBUTION: M1 PLUS

INDIVIDUAL CONCERNED (4)

FAMILY ASSISTANCE OFFICER (1)

MPRJ

FILE (ORIGINAL + 1)